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IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his )  
capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT, )  
in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES )  
FOR THE STATE OF OKLAHOMA, )

Plaintiff, )

vs. )

TYSON FOODS, INC., et al, )

Defendants. )

) 4:05-CV-00329-TCK-SAJ

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VOLUME I OF THE VIDEOTAPED  
DEPOSITION OF ROGER OLSEN, PhD, produced as a  
witness on behalf of the Defendants in the above  
styled and numbered cause, taken on the 10th day of  
September, 2008, in the City of Tulsa, County of  
Tulsa, State of Oklahoma, before me, Lisa A.  
Steinmeyer, a Certified Shorthand Reporter, duly  
certified under and by virtue of the laws of the  
State of Oklahoma.

1 VIDEOGRAPHER: Thank you. The witness may  
2 be sworn in.

3 ROGER OLSEN, PhD  
4 having first been duly sworn to testify the truth,  
5 the whole truth and nothing but the truth, testified  
6 as follows:

7 DIRECT EXAMINATION

8 BY MR. GEORGE:

9 Q Dr. Olsen, it's good to see you again. Are  
10 you still employed with Camp, Dresser & McKee? 09:03AM

11 A Yes.

12 Q During your deposition in January of this year  
13 you testified that the South Carolina law firm of  
14 Motley Rice was paying for CDM's work in this case.  
15 Is that still true? 09:04AM

16 A That's correct.

17 Q Has Attorney General Drew Edmondson or the  
18 Oklahoma Secretary of the Environment paid CDM for  
19 any work that it's performed in this case?

20 A No. 09:04AM

21 Q Has the State of Oklahoma paid CDM for any  
22 work that it's performed in this case?

23 A No.

24 Q How much has CDM been paid to date, if you  
25 could estimate for me, for its work in this case, 09:04AM

1 Q Let's go there. We'll see how long it takes.

2 I believe it begins on Page 632, Dr. Olsen.

3 A Yes, sir.

4 Q Okay. Run me through there and tell me which

5 portions you wrote versus which portions -- 09:29AM

6 A I wrote the introduction.

7 Q Okay. 6.11-1?

8 A I wrote 6.11 dash -- 6.11.2, Steps.

9 Q Steps of PCA?

10 A Right. Well, the first part of it, and then 09:29AM

11 he -- I actually wrote the first step but I was

12 pulling from various pieces he gave me. Like Step

13 6, he wrote essentially all of that and I pulled it

14 in and put it in the first shot at this whole

15 section. So that's describing the databases and 09:30AM

16 everything he wrote.

17 Q Let me ask this question while we're on it,

18 Dr. Olsen.

19 A Sure.

20 Q The source material for the steps of the PCA 09:30AM

21 process came from Dr. -- or from Mr. Chappell; is

22 that right?

23 A No.

24 Q Did I not?

25 A No.

1 A I think I previously testified on that, too,  
2 and it was over a hundred. Again, I'd have to check  
3 my previous testimony on that and that includes, you  
4 know, secretaries and people that put in a little  
5 bit of time and things like that. That's why that 09:58AM  
6 number is so big.

7 Q Doctor -- I'm sorry, are you done?

8 A Yeah. Sorry about that.

9 Q I didn't mean to cut you off. Can you please  
10 identify for me, Dr. Olsen, and for the jury the 09:59AM  
11 specific locations where you have found  
12 contamination of either groundwater or surface water  
13 that you have specifically traced back to land  
14 application of poultry litter generated on farms  
15 under contract with my clients, Cobb-Vantress and 09:59AM  
16 Tyson?

17 A Yes. We have eleven, and if you count Cobb,  
18 there's twelve actual edge of field samples that  
19 had -- at the edge of fields that had -- again,  
20 that's runoff from fields at edge of field. Those 09:59AM  
21 samples were specifically collected runoff from  
22 Tyson-applied fields.

23 Q Okay. Let me broaden my question or actually  
24 let me narrow it, if I can. Can you identify for  
25 the jury the specific locations where you found 10:00AM

1 contamination of groundwater or streams or rivers  
2 that you have specifically traced back to the land  
3 application of poultry litter generated on farms  
4 under contract with my clients, Cobb-Vantress or  
5 Tyson?

10:00AM

6 MR. PAGE: Object to the form.

7 A Would you state that again, please?

8 MR. GEORGE: Why don't we have it read  
9 back.

10 (Whereupon, the court reporter read  
11 back the previous question.)

10:00AM

12 MR. PAGE: Same objection.

13 A Again, consistent with previous testimony,  
14 when you asked that question before, I've not done  
15 that and not been asked to do that.

10:00AM

16 Q Okay. So do I understand, Dr. Olsen, that  
17 none of your opinions regarding the source of  
18 contamination of specific locations of groundwater,  
19 stream water or lake water are specific to my  
20 clients, Cobb-Vantress or Tyson?

10:01AM

21 A That's right, but --

22 Q And, Dr. Olsen, if I asked the same two last  
23 questions for each of the defendants that are named  
24 in this lawsuit, would your answers be the same?

25 A That's right.

10:01AM

1 surface water that you rely upon in your expert  
2 report?

3 A I very specifically say that I only printed  
4 out the ones for SW-3 and SW-17, which were the main  
5 ones I relied on. 08:58AM

6 Q Okay. So with respect to reference streams,  
7 the relevant principal component run would be SW-3;  
8 is that right?

9 A Well, there's many other runs that had  
10 reference streams in them, but this has reference 08:58AM  
11 stream --

12 Q All right. Well, look in SW-3 and maybe you  
13 can direct me to those samples, all six of them.

14 A Sure.

15 Q What page are you on, Dr. Olsen? 08:58AM

16 A Oh, I'm just leafing through here.

17 Q Oh, okay. I thought you were ready to mark  
18 one.

19 A Well, I don't know if it's easier to look for  
20 scores or means. Okay. I'm going down the list. 08:59AM  
21 First ones I run into are on Page 8.

22 Q Okay. Can you identify the sample name?

23 A Yeah. It's RBS 10003 and RBS 10004.

24 Q Those are two of the reference streams. Do  
25 you know which creek? 08:59AM

1 A I think both of those are Little Lee Creek.

2 Q Okay.

3 A He was supposed to rerun these. For some  
4 reason when he did his original printout, they  
5 weren't in here, and I redirected him to rerun them. 09:02AM  
6 For some reason he cut off the low scores in this  
7 printout.

8 Q Who is he?

9 A The person that was doing this was Nathan  
10 Smith for me, so -- 09:03AM

11 Q What do you mean he cut off the low scores?

12 A I don't know how he did it because the file he  
13 had and the electronic files you have it all in  
14 here, and this was supposed to be a sort and a dump,  
15 and I caught it the first time and asked him to redo 09:03AM  
16 it, and then it went to production and it looks like  
17 the previous version went in there. They were  
18 included in it, and I can look at the electronic  
19 files and tell you exactly where they are.

20 Q Well, let's make a clear Record, Dr. Olsen. 09:03AM  
21 Appendix F, which you represented in your report, is  
22 a listing of the surface water samples that you used  
23 in your principal component analysis, includes only  
24 two reference samples; correct?

25 A It's missing a whole bunch of samples for some 09:03AM